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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,136	06/23/2003	Lee E. Cleveland	AMD-E0471.CON	9923
7590 09/03/2004 WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			EXAMINER NGUYEN, HIEP T	
			ART UNIT 2187	PAPER NUMBER

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/603,136		CLEVELAND ET AL.	
	Examiner		Art Unit	
	Hiep T Nguyen		2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 20-41 are presented for examination. The applicant has canceled claims 1-19.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 20-41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,654,848. Although the conflicting claims are not identical, they are not patentably distinct from each other because each of the claimed limitations in claims 20-41 are taught by that in claims 1-19 of the patent. For example, claim 1 of the patent teaches each and every claimed limitation of the instant claim 28 [i.e., a memory device comprising: a first bank of data storage cells; a second bank of data storage cells; and a state machine coupled to said first bank and said second bank, said state machine configured to initiate a sector erase command at said first bank during a clock cycle while initiating a burst read command during said clock cycle]. Similarly, each of the claimed steps in instant claims 20 and 34 are no more than the operating steps, which are carried out by the corresponding elements in the instant claim 28.
4. Claims 20-41 of the instant application is anticipated by the patent claims 1-19 in that claims 1-19 of the patent explicitly contains all the limitations of claims 20-41 of the instant application. Claims 20-41 of the instant application therefore is not patently distinct from the earlier patent claims and as such is unpatentable for obvious-type double patenting. See *In Re Berg*, 140 F.3d 1428, 1431, 46 USPQ2d 1226, 1229 (Fed. Cir. 1998) and *In Re Longi*, 759 F.2d at 896, 225 USPQ at 651.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 20, 28-29, and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by

Roohparvar; U.S. Patent No. 6,278,654.

- a. As per claim 28: Roohparvar teaches a memory device [figure 1A] comprising:
- i. A first bank of data storage cells [element 104, bank 0];
 - ii. A second memory bank of data storage cells [bank 1],
 - iii. A state machine [132 in conjunction with elements 112-130] configured to initiate a sector erase command at said first bank during a clock cycle while initiating a burst read command during said clock cycle [col. 6, lines 25-30; figure 30, clock cycle T3-T4].
- b. For claims 29, and 31-33, applicant admitted that read and write operations are conventionally embedded operation. Applicant further defines an embedded operation as an operation in which a user of the memory provides one or more command to the memory defining the operation to be performed. The state machine responds to these commands by controlling performance of the specified operation without further user intervention ...[spec. page 5, last paragraph]. Apparently, the read and write operation of the Roohparvar are no different than that of the instant specification and/or claims, according to the above definition of embedded read or write operations. As stated by Roohparvar, in col. 4, lines 17-41, and shown in figures 1A, the Roohparvar memory controller including the state machine 132 and various front end units [130, 112] and

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backend units [114-120] for controlling the simultaneous operations of burst read and write or erase. Accordingly, Roohparvar also teaches the further claimed limitations in claims 29, and 31-33.

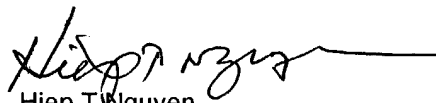
- c. As per claims 20 and 34, the claimed steps are no more than the operating steps carried out by the state machine of claim 28. Accordingly, Roohparvar also anticipates claims 20 and 34.

Allowable Subject Matter

7. Claims 21, 30 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Consequently, claims 22-27 and claims 36-41 would also be allowable over the prior art of record.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hiep T Nguyen
Primary Examiner
Art Unit 2187

HTN

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